

Federal Highway Administration (FHWA)

Emergency Relief Program Overview

PRESENTED BY: **Mahmud Yousef**
Emergency Relief Coordinator
(407) 867-6433



TRAINING AGENDA

- * Program Overview
- * Application Process
- * Emergency Repair
vs. Permanent
Repair
- * Eligibility
- * DDIR
- * Special Circumstances
- * Examples
- * Wrap-up



Emergency Relief

Program Overview (Purpose and Intent)



Two Separate Federal Disaster Programs



- * FHWA - Emergency Relief
- * FEMA - Robert T. Stafford Disaster Relief and Emergency Assistance ACT



State Highway Agency Role

- * Request Emergency Relief Funding
- * Participate on Detailed Damage Teams
- * Identify Damaged Sites
- * Complete Emergency Repairs (ER)
- * Administer Permanent Restoration (PR) Projects
- * Coordinate Locally Administered Projects



Local Agency Role

- * Coordinate with FDOT District ER Coordinator
- * Participate on Detailed Damage Teams
- * Identify Damage Sites
- * Administer Permanent Restoration (PR) Projects
 - * Must be LAP certified for Permanent Restoration projects
- * Complete Emergency Repairs (ER)



Emergency Relief Program Purpose

* 23 USC 125(a)

... repair or
reconstruction
of highways,
roads, and trails
...that have
suffered serious
damage ...





Emergency Relief Invocation

- * 23 USC 125 (a)
 - * ...result of (1) natural disaster over a wide area such as by floods, hurricanes, ...
 - * ...or (2) catastrophic failures from any external cause ...

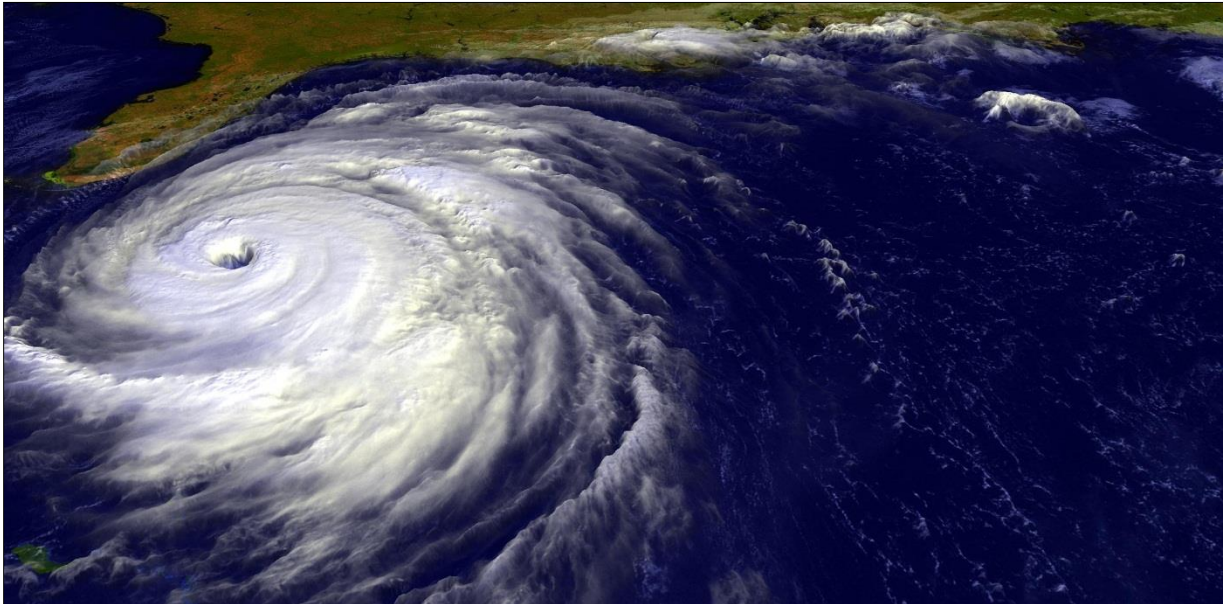




Natural Disasters

* 23 CFR 668.203(g)

... unusual natural occurrence ... which
causes serious damage





Catastrophic Failures

* 23 CFR 668.203(c)

“The sudden failure of a major element or segment of a Federal Road, which is not primarily attributable to gradual and progressive deterioration or a lack of proper maintenance.”





Emergency Relief

Application Process



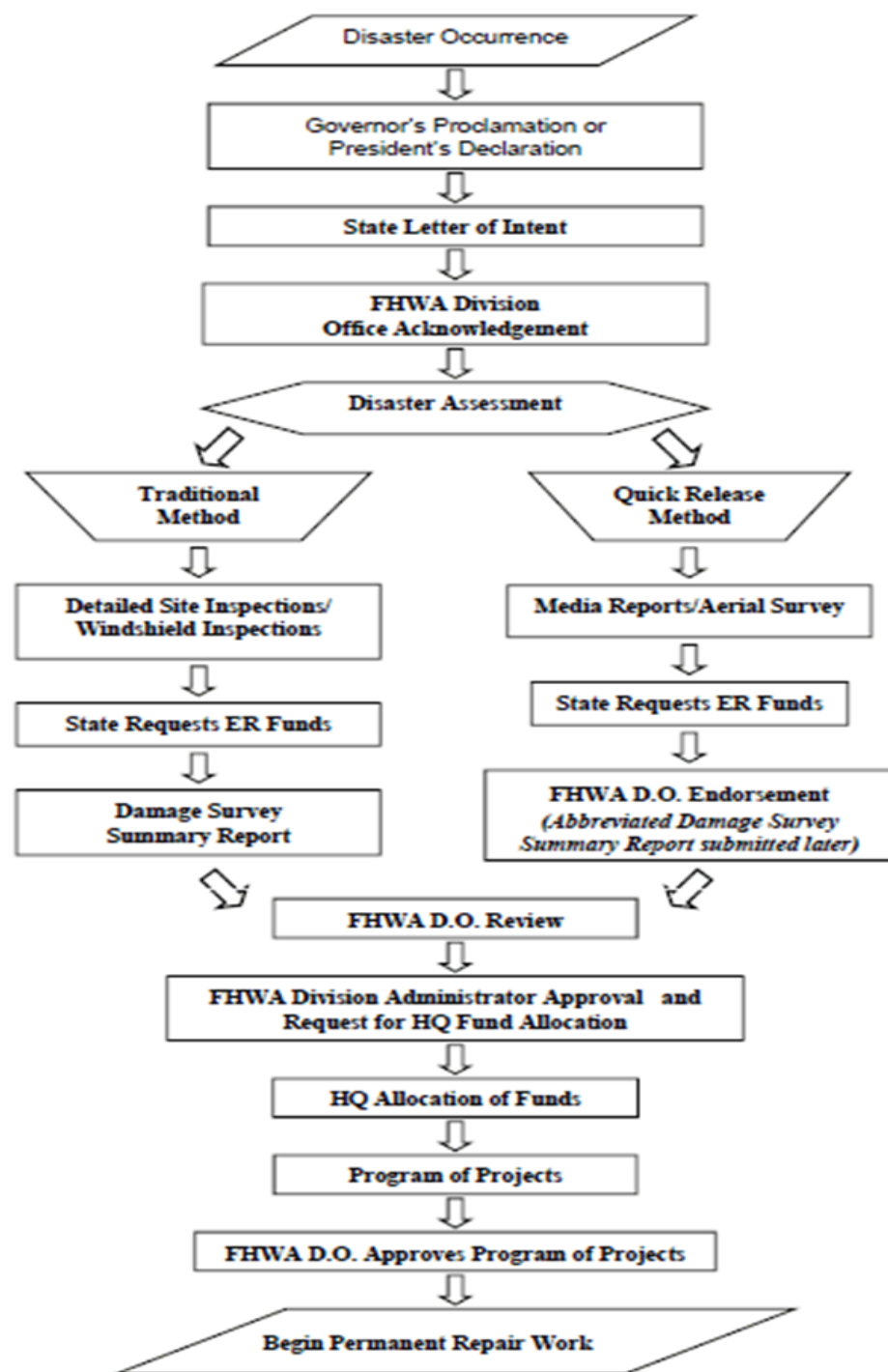
Funding the Program

- * \$100 million set-aside from the Highway Trust Fund for nationwide coverage in any single year
- * \$100 Million per Event per State
- * Higher Cap w/Special Legislation
- * Minimum \$700,000 threshold in damages per event





FHWA Emergency Relief Program Flow Chart





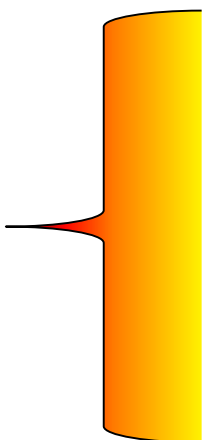
Preliminary APPLICATION PROCESS

1. Governors Proclamation or President's Declaration
2. Letter of Intent
3. FHWA Acknowledgement
4. FHWA Eligibility Finding by the FL Division Office (Division Administrator)



Quick Release

1 to 2
Days
after
Event

- 
1. Preliminary Application Steps
 2. Disaster Assessment: Broad Overview of extensive and readily evident eligible damage
 3. Formal State Request for ER Funding
 - ❖ Brief letter of request submitted
 - ❖ Division makes determination of eligibility
 - ❖ Initial estimate and allocation to start flow of funds
 4. Damage Survey Summary Report developed
 - ❖ Provides more detailed information to allow for supplemental allocations
 5. Detailed Damage Inspections (DDIRs) are completed ASAP for site eligibility and the programming of projects



Damage Survey Summary Report

- * Prepared by FDOT for FHWA FL Division Office for eligibility determination by Division Administrator
- * Content furnished by FDOT:
 - * Description of damage and approximate cost for each County
 - * Description of the limits and destruction w/dates of occurrence
 - * Pictures – one photo of each County w/ maps



Emergency Relief



Emergency Repair (ER)
VS.
Permanent Restoration (PR)



Purpose and Intent

- * Repair Damage Resulting Directly from an Eligible Event
 - * Work performed prior to landfall is NOT eligible
- * Supplemental \$\$
 - * State Program
 - * Local Programs
- * Restoration In-Kind to facility



Purpose and Intent

- * Emergency Repairs may begin without FHWA prior approval
- * Emergency repairs must be completed within 180 days to receive 100% funding. Normal pro-rata share for work performed after day 180.



Emergency Repair (ER)



23 CFR 668.109(b)(4)

- * Minimize the extent of damage
- * Protect remaining facilities
- * Restore essential traffic
- * Safety is NOT justification for determining ER eligibility
 - * Lighting is a safety feature



Minimize the extent
of the damage

Protect the
remaining
facilities





Activities Not Requiring Prior FHWA Authorization

Emergency Repair (ER)

- * Preliminary Engineering (PE) and/or Construction Engineering (CE)
 - * As properly documented
- * Emergency Repairs
- * Incidental Permanent Restoration (PR)



Activities Requiring Prior FHWA Authorization

- * Pre-event ER Contracts
- * Permanent Restoration (PR)
 - * Normal Federal-aid procedures
 - * Preliminary and Construction Engineering & ROW
 - * Environmental Clearance (NEPA)
 - * Time Extensions
 - * Revised DDIRs (Scope Changes or Significant Cost Increases)



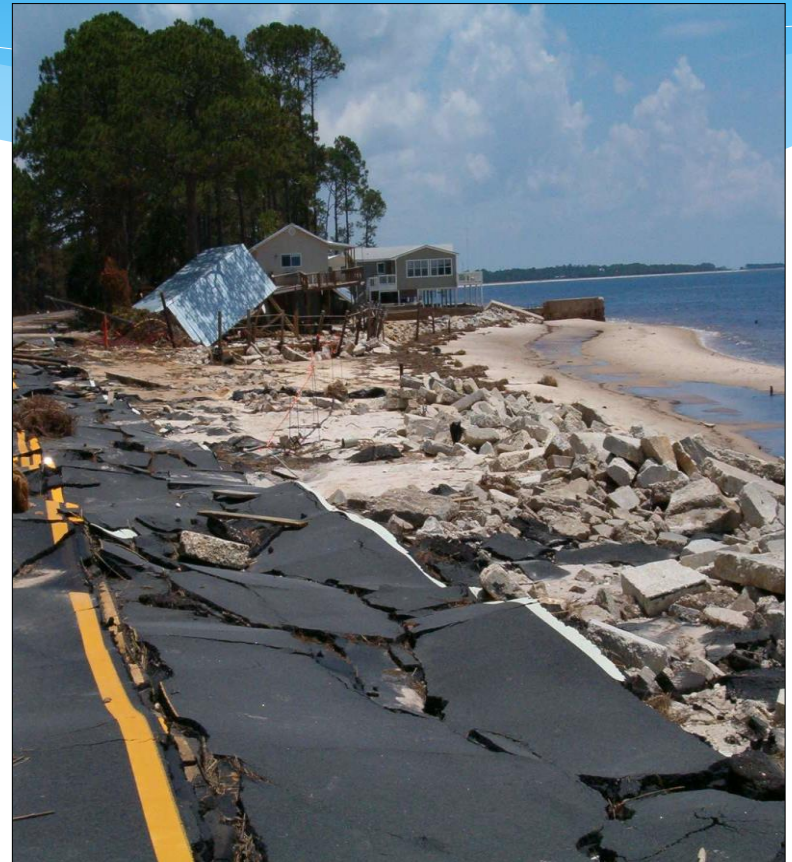
Not intended for:

- * Covering all repairs
- * Relieving heavy maintenance responsibilities of Federal-aid recipients
- * Non Federal-aid highways



Emergency Repair (ER)

- * Debris removal completed within 60 days
- * Incidental Permanent Repairs
- * 180 day limit for 100% reimbursement
- * Timely “prompt” repair





Debris Collection Definitions

* First Push

- * Initial effort to clear roadway includes cut & toss operations to push debris out of traveled way

■ First Pass

- ☐ Initial effort to collect debris pushed aside during first push operations
- ☐ All debris (vegetative & non-vegetative) must be collected at the same time as first pass operation
- ☐ Must be within debris clearing limits



Debris Clearing Limits

- * Traveled Way
- * Cut and Fill Slopes
- * Clear Zone
- * As required for functioning of Drainage Ditches and Structures
- * Additional Limits – The lesser of ROW limits vs.:
 - * Interstate: Max 50' from road edge line
 - * US & SR: Max 40' from road edge line
 - * Other Fed-Aid roads: Max 20' from road edge line





Debris Changes due to MAP-21

Some debris removal is now eligible for FEMA funding in lieu of FHWA-ER funding

- * Eligible sites on Federal-aid highways...
 - * Governor's declaration/No Presidential Declaration-ER eligible
 - * Presidential Declaration/Debris eligible under Stafford Act- Not ER eligible
 - * Presidential Declaration/Debris not eligible under Stafford Act- ER eligible



Debris Removal Activities

Debris Removal reimbursement for:

- * Initial pickup
- * Hauling

Ineligible Activities:

- * Excessively long hauls
- * Debris Reduction
- * Secondary hauling



First Push Debris Pile





Outside Eligible Clearing Limits





Permanent Restoration (PR)

23 CFR 668.109(b)(1)

- * Restoring Highway to Pre-disaster Condition
- * Pro-rata share
 - * 90% for Interstate
 - * 80% for non-interstate
- * Requires Prior FHWA Approval & Authorization
- * Normal FHWA Procedures are Required
- * Public Interest Finding Required for Force Account work performing Permanent Restoration





Emergency Relief Eligibility



Roadway Eligibility

- * Federal Aid Highways
 - * Defined in 23 U.S.C. section 101
- * NO Local Roads
- * NO Rural Minor Collectors
- * Use Functional Classification Maps

<http://www.dot.state.fl.us/planning/statistics/fedaid/>



Eligibility Limits

- * Site damage greater than \$5,000
- * Debris, Signs and Signals
 - * Individual locations might not reach \$5,000 by themselves
 - * Sometimes combined on an area-wide basis
 - * Determined on a Storm by Storm basis
 - * Only for FEMA declared counties
 - * Non-declared must meet \$5,000 threshold per site



Examples of Eligible Items

- * Initial Push/First Pass Debris Removal
- * Roadway damage disposal and repairs
- * Traffic control devices
- * Labor and equipment
- * Railroad Crossings (Crossing Fed Aid Routes only)
- * Generators used for signals and RR crossings
- * Service Patrols and Police performing traffic control activities



Eligible Items (cont.)

- * Engineering and ROW
- * CEI and Inspection Services
- * Detours
- * Overlays
- * Slides
- * Toll Facilities



Eligible Items (cont.)

- * Bridge and Culvert Repair
- * Landscaping (if incidental to other eligible repair)
- * Outside of Highway ROW (e.g. stream channels adjacent to roadway)
- * Others (Refer to the FHWA ER Manual)



Preliminary Damage Assessment (PDA) Team





Examples of Ineligible Items

- * Pre-existing Conditions (ex. bridge scour)
- * Expenses incurred prior to the event
- * Betterments (eligible with approved justification)
- * Inmate labor
- * Preventive Work
- * Damage to Contractor Equipment



Ineligible Items (cont.)

- * Heavy Maintenance
- * Pavement Damage caused by Traffic
- * Frost Heaving
- * Applicant Owned Material
- * Erosion Damage
- * Prior Scheduled Work
- * Debris Management sites



Ineligible Items (cont.)

- * Catastrophic Failure from Internal Cause
- * Minor Pavement Damage
- * Stockpiling Materials
- * Purchase of equipment or tools



What is Heavy Maintenance?

Includes but not limited to:

- * Minor damage to eroded shoulders
- * Filled ditches and culverts
- * Pavement settlement
- * Mud and minor debris deposits
- * Slip-outs in cut or fill slopes



Emergency Relief Appeal Process

Step 1

- * FDOT HQ's Emergency Relief coordinator (coordinates with District as needed)
- * FHWA District Transportation Engineer and FHWA Program Operations Engineer

Step 2

- * FDOT Deputy Director, Maintenance & Operations
- * FHWA Engineering and Program Operations Director

Step 3

- * FDOT Director or Designee
- * FHWA Division Administrator



Is this Eligible Work?



No... Heavy Maintenance



Is it Eligible?

Yes!

1st Pass Debris Piles
created from 1st Push efforts







Emergency Relief

Detailed Damage Inspection Report Form (**DDIR**)

DETAILED DAMAGE INSPECTION REPORT (Title 23, Federal-aid Highways)				Report Number FASS-004		
U.S. Department of Transportation Federal Highway Administration				Sheet 1 of 1		
Location (Name of Road and Milepost) SR 10 (US 90) TENNESSEE STREET 30° 26' 47" N 84° 15' 59" W				FHWA Disaster Number FL-08-01		
Description of Damage EXISTING TIMBER/GUARDRAIL RETAINING WALL FAILED DUE TO EXTREME WET CONDITIONS CAUSING EMBANKMENT TO COLLOPSE ON WALL AND INTO ROADWAY.				Inspection Date 8/24/08		
				Federal-aid Route Number		
				State County FL LEON		
Cost Estimate						
EMERGENCY REPAIR	Description of Work to Date (Equipment, Labor, and Materials)	Unit	Unit Price	Quantity	Cost	
					Completed	Remaining
	MOBILIZATION	LS	10,000.00	1		10,000.00
	MAINTENANCE OF TRAFFIC	LS	8,000.00	1		8,000.00
	CLEARING AND GRUBBING	LS	6,000.00	1		6,000.00
	CONCRETE REMOVAL	SY	37.38	56		2,093.28
	REGULAR EXCAVATION	CY	20.42	269		5,492.98
	TRUCK MEASURE BORROW	CY	20.39	555		11,316.45
	CONCRETE CLASS IV RETAINING WALL	CY	1,375.00	62.4		85,800.00
	REINFORCING STEEL RETAINING WALL	LB.	1.71	4885		8,353.35
	CONCRETE SIDEWALK	SY	57.39	55		3,156.45
	SOD	SY	5.46	117		638.82
	Method <input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input checked="" type="checkbox"/> Contract LET 10%				Subtotal	\$0.00
				PE/CE	140,851.33	
				Emergency Repair Total	154,936.46	
PERMANENT RESTORATION	Note:- Limit the cost of the wall to \$160,000. Cost in excess of this amount will be State's responsibility. In order to justify betterment upon, FHWA decided to limit the cost to \$160,000.					
Method <input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input type="checkbox"/> Contract				Subtotal	\$0.00	
				PE/CE		
				Right-of-Way		
				Perm. Repair Totals		
Environmental Assessment Recommendation <input checked="" type="checkbox"/> Categorical Exclusion <input type="checkbox"/> EA/EIS <i>Blair Martin</i>				Estimated Total		
Recommendation <input checked="" type="checkbox"/> Eligible <input type="checkbox"/> Ineligible				FHWA Engineer P.D. Muhl		
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No				Date 9/11/2008		
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No				State Engineer		
				Date		
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No				Local Agency Representative		
				Date		



Detailed Damage Inspection Report (DDIR)

- * What it IS:
 - * In most cases, one is written per site
 - * It is a preliminary cost ESTIMATE
 - * It is a determination of Eligibility
 - * It is a brief description of the scope of work
 - * It is used to support our request to HQ for Emergency Relief funding



Detailed Damage Inspection Report (DDIR)


- * What it is NOT:
 - * It is not a Contracting Mechanism
 - * Is never to be used to indicate actual scope, quantities, or prices to the contractor
 - * It is not a NEPA determination or approval
 - * It is not authorization to begin Permanent Restoration work



500-000-25

SAFETY

07/03

 U.S. Department of Transportation Federal Highway Administration	DETAILED DAMAGE INSPECTION REPORT (Title 23, Federal-aid Highways)	Report Number FA SS-004
Location (Name of Road and Milepost) SR 10 (US 90) TENNESSEE STREET 30° 26' 47" N 84° 15' 59" W	Sheet 1 of 1	FHWA Disaster Number FL-08-01
Description of Damage EXISTING TIMBER/GUARDRAIL RETAINING WALL FAILED DUE TO EXTREME WET CONDITIONS CAUSING EMBANKMENT TO COLLOPSE ON WALL AND INTO ROADWAY.	Inspection Date 8/24/08	Federal-aid Route Number
State FL	County LEON	



Cost Estimate					
Description of Work to Date (Equipment, Labor, and Materials)	Unit	Unit Price	Quantity	Cost	
				Completed	Remaining
MOBILIZATION	LS	10,000.00	1		10,000.00
MAINTENANCE OF TRAFFIC	LS	8,000.00	1		8,000.00
CLEARING AND GRUBBING	LS	6,000.00	1		6,000.00
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CONCRETE SIDEWALK	SY	57.39	55		3,156.45
SOD	SY	5.46	117		638.82
Method				Subtotal	\$0.00 140,851.33
<input type="checkbox"/> Local Forces	<input type="checkbox"/> State Forces	<input checked="" type="checkbox"/> Contract	LET 10%	PE/CE	140,851.13
				Emergency Repair Total	154,936.46



P E R M A N E N T R E S T O R A T I O N	<u>Note:-</u> Limit the cost of the wall to \$160,000. Cost in excess of this amount will be State's responsibility.							
	In order to justify betterment options, FHWA decided to limit the cost to \$160,000.00							
Method							Subtotal	\$0.00
<input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input type="checkbox"/> Contract							PE/CE	
							Right-of-Way	
							Perm. Repair Totals	



Environmental Assessment Recommendation <input checked="" type="checkbox"/> Categorical Exclusion <input type="checkbox"/> EA/EIS <i>Blair L. Martin</i>		Estimated Total	
Recommendation <input checked="" type="checkbox"/> Eligible <input type="checkbox"/> Ineligible		FHWA Engineer <i>P.D. Mehl</i>	Date <i>9/11/2008</i>
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No		State Engineer	Date
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No		Local Agency Representative	Date

Form FHWA-1547 (Rev. 4-98)



Detailed Damage Inspection Reports - DDIR

- * Federal-Aid Highway
- * Specific Location (Beginning and Ending Limits, fed aid route number)
- * Nature and Extent of Damage
- * State/County
- * Emergency Repair (ER)
- * Permanent Restoration (PR)



DDIR (cont.)

- * Cost and Quantity Estimates (L x W x H)
- * Sketch of the Site and Required Photos
- * Investigation Reports
- * **CONTRACT REQUIRED for work underway**
- * FHWA / State Recommendations
- * State and/or Local Agency Concurrence
- * Sites Reported within 90 days
- * DDIRs Completed/Submitted within 180 days



Phases of the DDIR

Two Phases

1. Initial DDIR
 - * Used to establish estimates and eligibility
 - * Major items of work required
2. Revised DDIR
 - * Costs increase or decrease from initial estimates
 - * Need information to justify the increases
 - * Upon receipt of adequate backup
 - * Cost increase approved
 - * FMIS Authorization signed



Initial DDIRs

General Requirements

- * DDIR Form FHWA-1547
- * Copies of contracts and amendments
- * Cost Summaries or Spreadsheet – not lump sum
- * Photographs
- * Information showing FHWA Emergency Relief eligible roads
 - * Maps or Spreadsheets



Initial DDIR

General Requirements (cont.)

- * For work already started
 - * A copy of the contract and prices
 - * Backup material (estimated or known quantities) used to determine costs
- * Permanent Work
 - * No work started so normal FHWA procedures will be followed. Still need estimate information.



Adequate Documentation

Debris Removal Documentation

* Debris Removal

- * Load tickets - first pass, date, quantity, and location
- * Summary sheet of all load ticket data
- * Invoices - monitoring, reduction, disposal, etc.
- * Keep FHWA eligible debris and associated costs separate from FEMA debris until reduction operations – see FAQ for details and equations
- * Photos of debris operations – before and during
- * If by Force Account: need labor, equipment, materials documentation



Adequate Documentation

Infrastructure Repair Documentation

Roads, Bridges, Signs, Signals

- * Before and after pictures of locations repaired or replaced
- * Sketches of intersections or road/bridge damage helpful
- * Cost to repair / replace each roadway section, sign, signal, etc. and supporting documentation



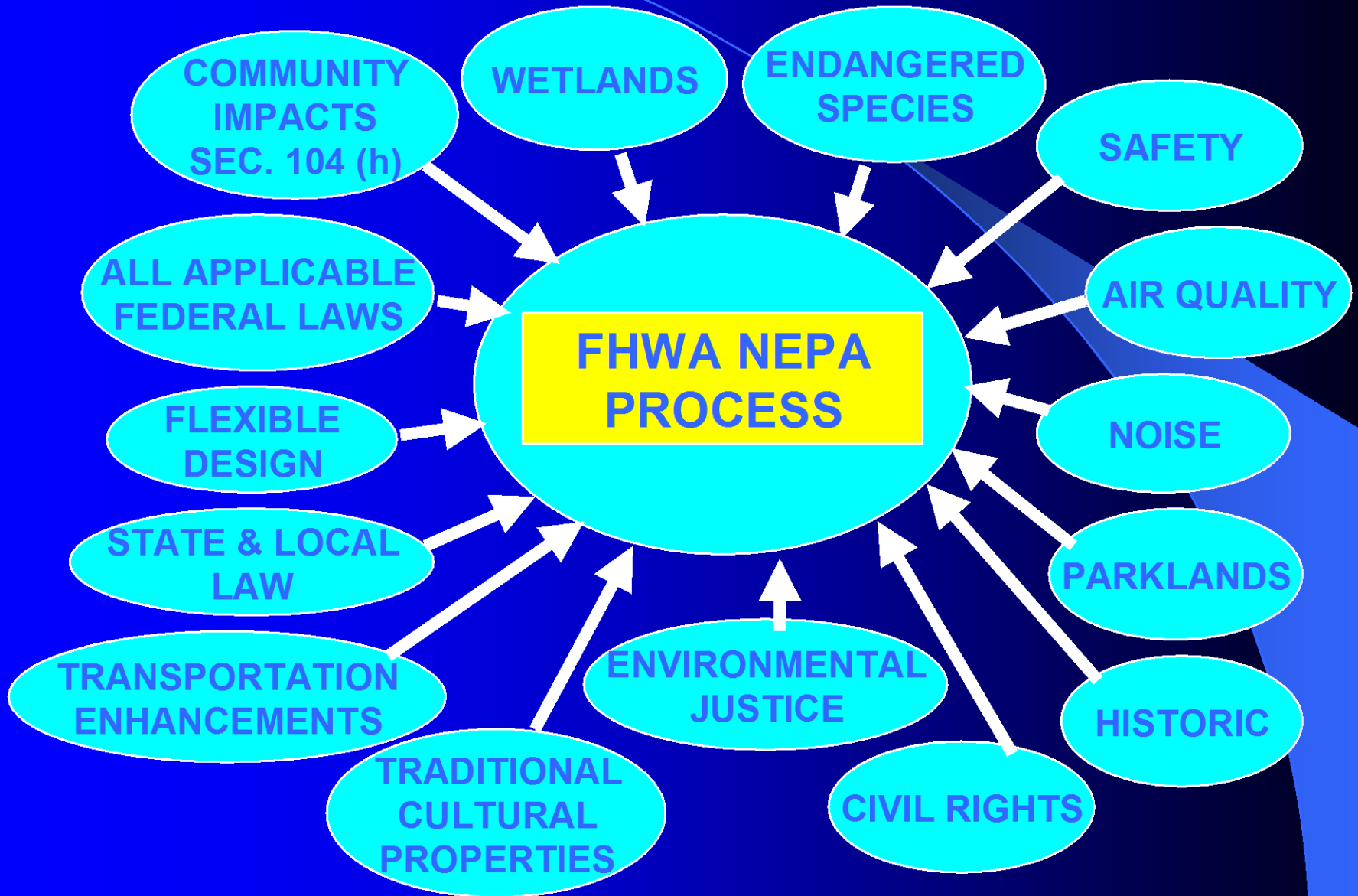


Adequate Documentation

Other Work Documentation

- * Photographic documentation of emergency protective measures conducted
- * Documentation of work performed as part of emergency repairs
- * Justification as to the necessity to perform the emergency work
- * Dates and Locations of work performed
- * Invoices, receipts, force account info, etc. as available

FHWA NEPA PROCESS





FHWA NEPA Process

- * Emergency Relief program must comply w/ NEPA
- * ER: Typically Categorical Exclusion (CE)
- * PR: Typically Categorical Exclusion with exceptions
 - * Betterments
 - * Bridge Work
 - * Any impacts affecting resources



National Environmental Policy Act (NEPA)

- * All Projects require a NEPA review
- * Particularly important if impacts to protected or sensitive resources are possible
- * Advance coordination with appropriate resource management agencies (local, state, federal) will help avoid damages and delays
- * Only FHWA and FDOT may approve NEPA documents



Need a Debris Staging Area?

USE CAUTION!!!

- * Locate potential sites prior to storms
 - * Have backup sites available
- * Coordinate with agencies for NEPA...
 - * to avoid environmental delays
 - * to avoid Endangered Species and Habitats





Betterments

- * Improvement to Facility
- * Feature Not Existing Prior to Disaster
- * Justification:
 - * Prevents Future Eligible Damage
 - * Cost/Benefit Analysis
 - * Meet Current Standards
 - * FHWA Prior Approval Required



DETOURS

- * Officially Designated by Highway Official
- * Could Apply to non-Federal-aid highway
- * Pre-detour Survey
- * Restore to Pre-disaster Condition
- * Proper MOT must be followed at all times



Traffic Damage

- * In general, ineligible for Emergency Relief Funds
- * Three exceptions:
 - * Any public roads, responding vehicles making repairs
 - * Any public roads, officially designated detour
 - * Any Federal-aid highway, vehicles responding to a disaster
- * Normally limited to the first 60 days after an event



Outside of ROW

- * In general, ineligible for Emergency Relief Funding
- * Must meet four criteria:
 - Directly related to protection of highway
 - Not eligible for funds from another agency
 - No other agency has responsibility
 - Applicant agrees to accept future maintenance



Contract Requirements

- * All Fed-Aid rules apply to contracts (ER & PR)
 - * Advertisement period (exceptions possible)
 - * FHWA Form 1273
 - * Approved Contracting Methods (see ER manual)
 - * Davis-Bacon Labor Rates (exceptions possible)
 - * Disadvantaged Business Enterprises (DBE)
 - * Americans with Disabilities Act (ADA)
 - * Buy America (Steel & Iron)
 - * NO convict labor
- * Design Standards: FDOT Standard Specifications
- * Environmental NEPA Issues/Process



Exceptions: Contracting Methods

- * Emergency Repairs
 - * Competitive bid
 - * Solicited Contracts
 - * Negotiated Contracts
 - * Force Account
 - * Joint Participation Agreements (JPAs)
 - * Reduced advertisement time possible
 - * Pre-event contracts (normal F.A. req., no exceptions)
- * Permanent Restorations
 - * Competitive Bid Contracts – normal F.A. requirements
 - * Local Agency Program (LAP) Agreements
 - * LAP Certification Required





Exceptions: Davis-Bacon Act

Davis-Bacon and Related Acts (DBRA)

- * Provisions do not apply to state or local government agency employee in-house 'force account' work
- * Provisions do not apply where the only work in the contract is debris removal
- * Provisions DO apply if debris removal is performed in conjunction with any construction, alteration, or repair work.

Emergency Relief

Examples of Damage



Little Mud Creek





I-75 Cantilever Signs Structure





Temporary Emergency Repair





Temporary Emergency Repair

- * Minimizes damage
- * Protects facility from further damage (erosion of base)





Is this work eligible?

- No. Work by Convict Labor is not eligible





Eligible Debris?



No. Roadway not impacted.



What is the justification for calling this damage eligible?

- A. Restore Essential Traffic
- B. Minimize Extent of Damage
- C. Protect the remaining facilities



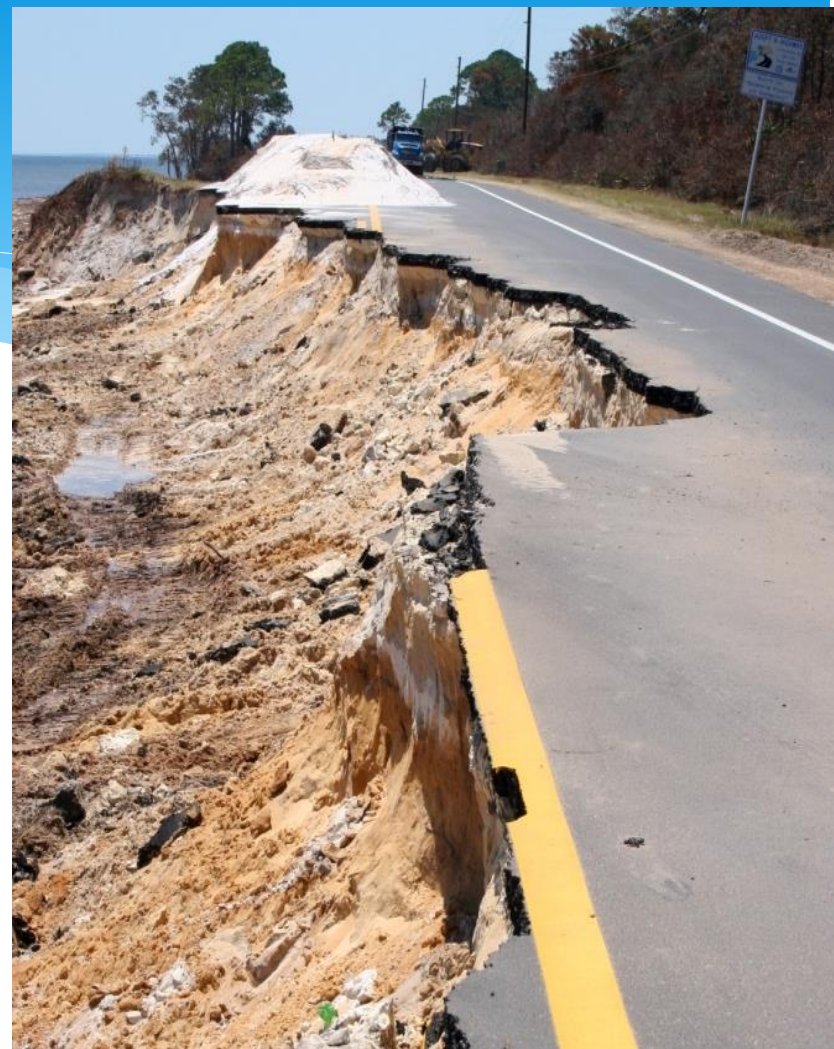


ER Not Limited to Hurricanes



No!
It's Heavy
Maintenance!







QUESTIONS?